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In re Application of DEBALME et al :
U.S. Application No.: 08/913,518 :
PCT Application No.: PCT/FR97/00101 :
Int. Filing Date: 17 January 1997 : DECISION
Priority Date Claimed: 19 January 1996 :
Attorney Docket No.: 1247-0709-3VF PCT :
For: PROCESS AND DEVICE FOR THE :
MANUFACTURE OF A COMPOSITE :
MATERIAL :

This is in response to applicant's "Renewed Petition Under 37 C.F.R. §1.182" filed
06 April 2004.

BACKGROUND

On 17 January 1997, applicant filed international application PCT/FR97/00101, which claimed priority of an earlier France application filed 19 January 1996. A copy of the international application was communicated to the USPTO from the International Bureau on 24 July 1997. The twenty-month period for paying the basic national fee in the United States expired on 19 September 1997.

On 18 September 1997, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1) and an English translation of the international application.

On 19 November 1997, the DO/EO/US mailed a Notification of Acceptance of Application Under 35 U.S.C. 371 (Form PCT/DO/EO/903).

On 03 November 1999, applicant filed a request for a Continued Prosecution Application.

On 11 July 2001, applicant filed a request for a Continued Prosecution Application.

On 14 January 2003, applicant filed a Request for Continued Examination along with a request to enter a previously un-entered amendment.

On 12 February 2003, the examiner issued a non-final rejection in which several claims were rejected as being based upon new matter introduced by said amendment.

On 12 August 2003, applicant filed a petition under 37 CFR 1.182 along with an affidavit under 37 CFR 1.132.

On 06 February 2004, this Office mailed a decision dismissing the 12 August 2003 petition.

On 06 April 2004, applicant filed the present renewed petition under 37 CFR 1.182 along with a new English language translation of the international application.

DISCUSSION

The petition states that the English translation filed 18 September 1997 contained mistranslations of the international application and that a proper translation would provide support for the subject matter introduced by amendment. Applicant has provided an English language translation of the international application as required by 35 U.S.C. 371(c)(2), and applicant's explanation for the previous mistranslations is accepted.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.182 is GRANTED.

The Notification of Acceptance of Application Under 35 U.S.C. 371 (Form PCT/DO/EO/903) mailed 19 November 1997 is hereby VACATED.

The application is being forwarded to the DO/EO/US for processing in accordance with this decision including: (1) entry of the English language translation filed 06 April 2004 and (2) preparation and mailing of a new Notification of Acceptance of Application Under 35 U.S.C. 371 (Form PCT/DO/EO/903), which should indicate a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 06 April 2004. Thereafter, the application will be returned to the examining group for consideration of the prior art in view of the newly filed translation.



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